

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

**IRWIN UNION BANK AND TRUST
COMPANY, ET AL.,**

Plaintiff(s),
v.

MGB FINANCIAL SERVICES, INC.,
Defendant(s).

No. C 08-03825 PJH

**ORDER SETTING INITIAL CASE
MANAGEMENT CONFERENCE AND
ADR DEADLINES**

IT IS HEREBY ORDERED that this action is assigned to the Honorable Phyllis J. Hamilton. When serving the complaint or notice of removal, the plaintiff or removing defendant must serve on all other parties a copy of this order and all other documents specified in Civil Local Rule 4-2. Counsel must comply with the case schedule listed below unless the Court otherwise orders.

IT IS FURTHER ORDERED that this action is assigned to the Alternative Dispute Resolution (ADR) Multi-Option Program governed by ADR Local Rule 3. Counsel and clients shall familiarize themselves with that rule and with the material entitled "Dispute Resolution Procedures in the Northern District of California" on the Court ADR Internet site at www.adr.cand.uscourts.gov. A limited number of printed copies are available from the Clerk's Office for parties in cases not subject to the court's Electronic Case Filing program (ECF).

IT IS FURTHER ORDERED that plaintiff or removing defendant serve upon all parties the brochure entitled "Consenting To A Magistrate Judge's Jurisdiction In The Northern District Of California," additional copies of which can be downloaded from the following Internet site: <http://www.cand.uscourts.gov>.

CASE SCHEDULE -ADR MULTI-OPTION PROGRAM

Date	Event	Governing Rule
8/11/2008	Complaint filed	
10/30/2008	*Last day to: <ul style="list-style-type: none"> • meet and confer re: initial disclosures, early settlement, ADR process selection, and discovery plan • file ADR Certification signed by Parties and Counsel (form available at http://www.cand.uscourts.gov) • file either Stipulation to ADR Process or Notice of Need for ADR Phone Conference (form available at http://www.cand.uscourts.gov) 	<u>FRCivP 26(f)</u> & <u>ADR L.R.3-5</u> <u>Civil L.R. 16-8 (b)</u> & <u>ADR L.R. 3-5(b)</u> <u>Civil L.R. 16-8 (c)</u> & <u>ADR L.R. 3-5(b) & (c)</u>
11/13/2008	Last day to file Rule 26(f) Report, complete initial	<u>FRCivP 26(a) (1)</u>

disclosures or state objection in Rule 26(f) Report and file Case Management Statement per attached Standing Order re Contents of Joint Case Management Statement (also available at <http://www.cand.uscourts.gov>) [Civil_L.R. 16-9](#)

11/20/2008 INITIAL CASE MANAGEMENT CONFERENCE [Civil_L.R. 16-10](#)
(CMC) in Courtroom 3 17th Flr at 2:30 PM

*If the Initial Case Management Conference is continued, the other deadlines are continued accordingly.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

Plaintiff(s),

No. C PJH

v.

ORDER REQUIRING JOINT CASE MANAGEMENT STATEMENT AND APPEARANCE AT CASE MANAGEMENT CONFERENCE

Defendant(s).

IT IS HEREBY ORDERED that, pursuant to Fed. R. Civ. P. 16(b) and Civil L. R. 16-10, a Case Management Conference will be held in this case before the Honorable Phyllis J. Hamilton on _____, at 2:30 p.m., in Courtroom 3, 17th Floor, Federal Building, 450 Golden Gate Avenue, San Francisco, California.

Plaintiff(s) shall serve copies of this Order immediately on all parties to this action, and on any parties subsequently joined, in accordance with Fed. R. Civ. P. 4 and 5. Following service, plaintiff(s) shall file a certificate of service with the Clerk of the Court.

18 Counsel shall meet and confer as required by Fed. R. Civ. P. 26(f) prior to the Case
19 Management Conference with respect to those subjects set forth in Fed. R. Civ. P. 16(c).
20 **Not less than seven (7) calendar days** before the conference, counsel shall file a joint
21 case management statement addressing each of the items listed in the "Standing Order
22 For All Judges Of the Northern District -- Contents of Joint Case Management Statement,"
23 which is attached to this order and can also be found on the court's website. A proposed
24 order is not necessary. Following the conference, the court will enter its own Case
Management and Pretrial Order. If any party is proceeding without counsel, separate
statements may be filed by each party.

25 Each party shall appear personally or by counsel prepared to address all of the
26 matters referred to in this Order and with authority to enter stipulations and make
27 admissions pursuant to this Order. Any request to reschedule the date of the conference
28 shall be made in writing, and by stipulation if possible, at least ten (10) calendar days
 before the date of the conference and must be based upon good cause.

1 **STANDING ORDER FOR ALL JUDGES OF THE NORTHERN DISTRICT OF**
2 **CALIFORNIA**

3 **CONTENTS OF JOINT CASE MANAGEMENT STATEMENT**

4

5 Commencing March 1, 2007, all judges of the Northern District of California will
6 require the identical information in Joint Case Management Statements filed pursuant to
7 Civil Local Rule 16-9. The parties must include the following information in their statement
which, except in unusually complex cases, should not exceed ten pages:

- 8
- 9 1. Jurisdiction and Service: The basis for the court's subject matter jurisdiction over
10 plaintiff's claims and defendant's counterclaims, whether any issues exist regarding
11 personal jurisdiction or venue, whether any parties remain to be served, and, if any parties
remain to be served, a proposed deadline for service.
- 12
- 13 2. Facts: A brief chronology of the facts and a statement of the principal factual
issues in dispute.
- 14
- 15 3. Legal Issues: A brief statement, without extended legal argument, of the disputed
points
16 of law, including reference to specific statutes and decisions.
- 17
- 18 4. Motions: All prior and pending motions, their current status, and any anticipated
motions.
- 19
- 20 5. Amendment of Pleadings: The extent to which parties, claims, or defenses are
expected to be added or dismissed and a proposed deadline for amending the pleadings.
- 21
- 22 6. Evidence Preservation: Steps taken to preserve evidence relevant to the issues
reasonably evident in this action, including interdiction of any document-destruction
23 program and any ongoing erasures of e-mails, voice mails, and other electronically-
recorded material.
- 24
- 25 7. Disclosures: Whether there has been full and timely compliance with the initial
disclosure requirements of Fed. R. Civ. P. 26 and a description of the disclosures made.
- 26
- 27
- 28

- 1 8. Discovery: Discovery taken to date, if any, the scope of anticipated discovery, any
2 proposed limitations or modifications of the discovery rules, and a proposed discovery plan
3 pursuant to Fed. R. Civ. P. 26(f).
- 4 9. Class Actions: If a class action, a proposal for how and when the class will be
5 certified.
- 6 10. Related Cases: Any related cases or proceedings pending before another judge of
7 this court, or before another court or administrative body.
- 8 11. Relief: All relief sought through complaint or counterclaim, including the amount of
9 any damages sought and a description of the bases on which damages are calculated. In
10 addition, any party from whom damages are sought must describe the bases on which it
11 contends damages should be calculated if liability is established.
- 12 12. Settlement and ADR: Prospects for settlement, ADR efforts to date, and a specific
13 ADR plan for the case, including compliance with ADR L.R. 3-5 and a description of key
14 discovery or motions necessary to position the parties to negotiate a resolution.
- 15 13. Consent to Magistrate Judge For All Purposes: Whether all parties will consent to
16 have a magistrate judge conduct all further proceedings including trial and entry of
17 judgment.
- 18 14. Other References: Whether the case is suitable for reference to binding arbitration,
19 a special master, or the Judicial Panel on Multidistrict Litigation.
- 20 15. Narrowing of Issues: Issues that can be narrowed by agreement or by motion,
21 suggestions to expedite the presentation of evidence at trial (e.g., through summaries or
22 stipulated facts), and any request to bifurcate issues, claims, or defenses.
- 23 16. Expedited Schedule: Whether this is the type of case that can be handled on an
24 expedited basis with streamlined procedures.
- 25 17. Scheduling: Proposed dates for designation of experts, discovery cutoff, hearing of
26 dispositive motions, pretrial conference and trial.
- 27 18. Trial: Whether the case will be tried to a jury or to the court and the expected length
28 of the trial.

19. Disclosure of Non-party Interested Entities or Persons: Whether each party has filed the "Certification of Interested Entities or Persons" required by Civil Local Rule 3-16. In addition, each party must restate in the case management statement the contents of its certification by identifying any persons, firms, partnerships, corporations (including parent corporations) or other entities known by the party to have either: (i) a financial interest in the subject matter in controversy or in a party to the proceeding; or (ii) any other kind of interest that could be substantially affected by the outcome of the proceeding.

20. Such other matters as may facilitate the just, speedy and inexpensive disposition of this matter.

IT IS SO ORDERED.

Dated: _____

PHYLLIS J. HAMILTON
United States District Judge